

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

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THE ESTATE OF BIANCA DEVINS

Case No. 6:21-CV-0802 (GTS/ATB)

Plaintiff,

-against-

ONEIDA COUNTY, ONEIDA COUNTY
DISTRICT ATTORNEY, SCOTT
MCNAMARA, JOHN DOES 1-20

Defendant.

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CONSENT DECREE

WHEREAS, on July 15, 2021, plaintiff, the Estate of Bianca Devins (“Plaintiff”) brought a lawsuit alleging that Oneida County, Oneida County District Attorney, Scott McNamara and John Does 1 through 20 (collectively, the “Defendants”) disseminated images and videos depicting Bianca Devins that constituted child pornography in violation of 18 U.S.C. § 2252A. Plaintiff sought civil damages against the Defendants pursuant to 18 U.S.C § 2255. Plaintiff also alleged negligence against all Defendants, and negligent supervision against Oneida County.

WHEREAS, on July 15, 2021, with its Complaint, Plaintiff filed an *ex parte* Order To Show Cause For FRCP 65(A) Preliminary Injunction And Emergency FRCP 65(B) Temporary Restraining Order (“TRO”) with supporting documents.

WHEREAS, on July 15, 2021, the Hon Glenn T. Suddaby declined to grant Plaintiff’s TRO without notice and reserved judgment on the TRO until Defendants were served and a hearing could be had.

WHEREAS, on July 19, 2021 the Parties agreed via Joint Letter Motion to consolidate the TRO and Preliminary Injunction hearing and stipulated that “defendants shall not share or disseminate content depicting Bianca Devins and shall stay responses to all FOIL responses seeking content depicting or in any way involving Bianca Devins or the crimes against her.” Parties further stipulated to assist recipients of material underlying the claims to lawfully dispose of said material while not destroying evidence relevant to the case.

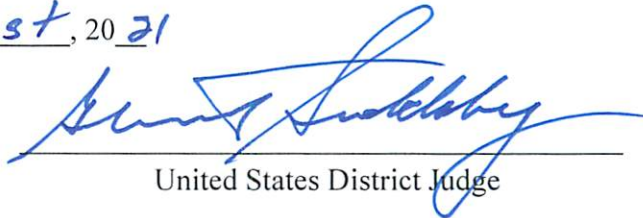
THEREFORE, with the consent of the Parties to this Decree, it is ORDERED, ADJUDGED, AND DECREED THAT:

1. This Consent Decree is binding upon Defendants Oneida County, the Oneida County District Attorney, Scott McNamara. It is binding upon Oneida County’s employees, agents and contractors. Any change in legal status shall in no way alter the status or responsibilities of Defendant under this Consent Decree.
2. Defendants are enjoined from disseminating video content, including screenshots, depicting Bianca Devins being murdered, having sex, nude, or in a state of undress.
3. Defendants are enjoined from disseminating the contents from Bianca Devins’s cellular phone seized from the crime scene and contents obtained from warrants and subpoena(s) into her social media accounts.
4. Defendants agree to not include in responses to Freedom of Information Law (“FOIL”) (Public Officers Law, Article 6, § 84-90) requests any of the materials set forth in paragraphs (2) and (3), except if sought by the underlying criminal defendant, Brandon Clark, or his attorney(s).
5. Parties shall work cooperatively and in good faith with recipients of content depicting Bianca Devins described above in (2)-(4) to encourage recipients’ responsible

dispossession of the content while also recognizing the obligation to not destroy evidence material to the instant case.

6. This Consent Decree shall become null and void upon final disposition of the case by settlement or 30 days after all appeals have been exhausted.

SO ORDERED THIS 19 DAY OF August, 20 21



United States District Judge

C.A. GOLDBERG, PLLC

Dated: August 19, 2021

/s/ Carrie Goldberg
Carrie Goldberg (CA7873)
Attorney for Plaintiff
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KENNEY SHELTON LIPTAK NOWAK LLP

Dated: August 19, 2021

/s/ David H Walsh
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Bar Roll No.: 512032
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